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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/578,598

04/26/2007

Jong-do Park

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1762

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CANTOR COLBURN LLP
20 Church Street
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Hartford, CT 06103

EXAMINER

HAMILTON, MATTHEW L

ART UNIT

PAPER NUMBER

3688

NOTIFICATION DATE

DELIVERY MODE

11/26/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

usptopatentmail@cantorcolburn.com

Office Action Summary	Application No. 10/578,598	Applicant(s) PARK, JONG-DO	
	Examiner MATTHEW L. HAMILTON	Art Unit 3688	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-26 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372. This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1. In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, claim(s) 1-12, drawn to an advertisement-linked free message provision system in which a message sender sends an advertisement-linked free message to a message recipient.

Group II, claim(s) 13-18, drawn to an advertisement-linked free message provision system.

Group III, claim(s) 19-26, drawn to a mobile communication terminal.

Unity of invention exists when there is a technical relationship among the claimed inventions involving one or more of the same or corresponding technical features. Lack of unity may be demonstrated a priori, before consideration of the prior art in relation to the claims. Lack of unity a priori occurs when there are no technical features(s) that are common to all the claims. Lack of unity may also be demonstrated a posteriori, after consideration of the prior art in relation to the claims. Lack of unity a posteriori occurs when the claims have common technical feature(s) however, these features do not represent applicant's contribution over the prior art. See also MPEP 1850, II.

Determination of "Unity of Invention"; and MPEP 1893.03(d).

§ 1.499 Unity of invention during the national stage.

If the examiner finds that a national stage application lacks unity of invention under §1.475, the examiner may in an Office action require the applicant in the response to that action to elect the invention to which the claims shall be restricted. Such requirement may be made before any action on the merits but may be made at any time before the final action at the discretion of the examiner.

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Groups I-III lack unity of invention a priori because there are no technical feature(s) that are common to all of the claims.

Group I comprises technical features “an advertisement database for storing advertisements; a free message use request information receiver for receiving free message, use request information containing a telephone number of a specific customer acquiring at least one of the free message usage certificates and affiliated store identification information from a specific one of one or more affiliated store terminals held respectively by the affiliated stores; an authentication processor for searching the sale information stored in the free message usage certificate management database for sale information corresponding to the affiliated store identification information to determine whether the corresponding sale information is present in the stored sale information, and performing an authentication process based on the determination result; and a free message manager for, if the free message use request information is authenticated by the authentication processor, allocating an advertisement-linked free message content to the specific customer and transmitting free message content allocation information containing the telephone number of the specific customer to a communication company server managed by the communication company so that the communication company server can deduct the amount of money corresponding to use of the allocated free message content from a text data usage fee to be charged to the customer's telephone number.” These features are not in common or shared with the technical features found in group II.

Group II comprises technical features “a free message usage certificate management database for storing information regarding sales of free message usage certificates from at least one communication company, sold to one or more affiliated stores; an advertisement database for storing respective advertisements of the affiliated stores; content manager for creating free message contents linked respectively to the advertisements of the affiliated stores stored in the advertisement database and distributing the created advertisement-linked free message contents; and a free message manager for receiving information regarding use of a specific one of the distributed advertisement-linked free message

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contents through a random customer terminal and, on the basis of the received information, requesting the communication company to deduct the amount of money corresponding to the use of the specific advertisement-linked free message content from a text data usage fee to be charged to a telephone number of the customer terminal.” These features are not in common or shared with the technical features found in group III.

Group III comprises technical features “a free message content receiver for receiving a free message content linked to an advertisement of a specific affiliated store from a free message management server or an affiliated store terminal held by the specific affiliated store and storing the received free message content in a free message content database; a free message manager for executing the advertisement-linked free message content stored in the free message content database, receiving message contents and a telephone number of a message recipient inputted from a user, and sending a free message linked to the advertisement of the specific affiliated store and containing the received contents to the message recipient's telephone number; and a free message content use information transmitter for transmitting information regarding use of the free message content through the free message manager by the user to the free message management server.” These features are not in common or shared with the technical features found in group I.

Restriction for examination purposes as indicated is proper because all these inventions listed in this action are independent or distinct for the reasons given above and there would be a serious search and examination burden if restriction were not required because one or more of the following reasons apply:

- (a) the inventions have acquired a separate status in the art in view of their different classification;
- (b) the inventions have acquired a separate status in the art due to their recognized divergent subject matter;
- (c) the inventions require a different field of search (for example, searching different classes/subclasses or electronic resources, or employing different search queries);

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(d) the prior art applicable to one invention would not likely be applicable to another invention;

(e) the inventions are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected invention.

If claims are added after the election, applicant must indicate which of these claims are readable upon the elected invention.

Should applicant traverse on the ground that the inventions are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

The examiner has not contacted the applicant for election over telephone due to the complex nature of the election/restriction requirement (see MPEP 812.01 (R-3)).

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW L. HAMILTON whose telephone number is (571)270-1837. The examiner can normally be reached on Monday-Friday 7:30a.m-5p.m EST alt Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MLH
Examiner, Art Unit 3688
November 20, 2010

/JOHN G. WEISS/
Supervisory Patent Examiner, Art Unit 3688